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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,125	03/26/2001	Masahiro Minowa	81747.0191	8629
26021 7590 02/15/2008 HOGAN & HARTSON L.L.P. 1999 AVENUE OF THE STARS SUITE 1400 LOS ANGELES, CA 90067				
EXAMINER				
RETTA, YEHDEGA				
ART UNIT		PAPER NUMBER		
3622				
MAIL DATE		DELIVERY MODE		
02/15/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/818, 125

Applicant(s)

MINOWA, MASAHIRO

Examiner

Yehdega Retta

Art Unit

3622

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Yehdega Retta/
Primary Examiner, Art Unit 3622

Continuation of 11, does NOT place the application in condition for allowance because: Applicant argues "(h)ere, the Action argues that the advertising server includes means to distribute information to the first and second server systems. The purported features of the applied references do not disclose or suggest a first server having means to distribute at least part of the advertising placement information to the second server, as recited in Claim 1".

Applicant's specification teaches as follows:

A client PC 5 accesses ADS system 1 via server 4 through the Internet 10. The ADS system 1 transmits an application form in response to a request from client PC 5. Based on the obtained application form, client PC 5 returns specific application information including customer information and advertisement management information, and advertising placement information (which correspond to the content of the advertisement). The ADS system 1 stores the received information and sends a fee payment (billing) form to the client PC 5. Exemplary forms are described in further detail later. After confirming payment, ADS system 1 distributes, by way of central computer 2, the advertising placement information, advertisement management information and customer information (collectively advertisement information) to one or more of the POS systems 3 specified by client PC 5. The POS system 3 that received the advertisement information from ADS system 1 runs a process for printing the advertisement in addition to the information normally printed (such as the sales price of purchased items) on a receipt issued by a POS terminal device.

ADS system 1 can distribute the advertisement information including the received advertising placement information via the Internet 10 to other subscriber POS systems 7 through the server 6 which is, for example, of a type of an application service provider (ASP) server to which multiple individual shops are subscribing. A subscriber shop can be any type of commercial enterprise, but particularly includes, for example, clinics, hospitals, pharmacies, and small- and medium-size stores. In a hospital or pharmacy, for example, receipts, queuing number tickets, and other printed matter is issued by registers for calculating treatment fees and hospitalization charges, queuing number issuing devices for

issuing queuing number tickets in the waiting order, and registers in pharmacies providing drugs according to a doctor's prescription. POS systems such as noted above, POS terminal devices used in subscriber POS systems, for example, cash registers, check counters and other devices such as queuing number issuing devices are collectively referred to in this invention as "POS terminal devices".

According to applicant's disclosure the ADS server (first server) for managing advertising placement and distribution is connected to a computer system (2) that is connected to a point-of-sale management system (POS system) and also to server 6 which is also connected to other POS system.

Kanevsky teaches the advertisement server (applicant's ADS server) connected to local network system (100) (applicant's computer system (2) that is connected to cash register (103) (POS terminal) (see col. 5 lines 17-31 and fig. 1) and another sale system with ticket machine and gas station. The advertisement server is also connected to the printer server (127). The only feature missing from Kanevsky is that the advertisement sever (ADS) does not include application form that can be accessed by client computer to specify advertisement placement information. This feature is taught by Hunter.

As indicated in the office action Hunter teaches client computer accessing a central station (applicant's ADS system) via the Internet through interface web server sending advertisement content and for scheduling and purchasing advertisement time for displaying advertisement in specific locations. Hunter teaches means for receiving and storing input information containing advertising placement information provided by the client PC (see col. 3 lines 22-30).

Therefore, Kanevsky as modified by Hunter teaches a first server (ADS) (Kanevsky's advertisement server, with Hunter's application page) connected to POS system (through central computer) (Kanevsky's (system 100) and a second server (sever 6) (Kanevsky's system 127 or 116 or 118) connected to POS system. The first server (ADS) distributing the advertisement information to a POS system connected to the first server (central computer) and to the second server (6).